

Annotated Code of Maryland

**Notice of Final Action**

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On November 29, 2018, the Secretary of Health adopted amendments to Regulations .04, .06, and .09 under COMAR 10.09.06 Adult Residential Substance Use Disorder Services. This action, which was proposed for adoption in 45:20 Md. R. 926-927 (September 28, 2018), has been adopted with the nonsubstantive changes below.

**Effective Date:**

**Attorney General's Certification**

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .04C(1): In consideration of the comments received, the Program has replaced the term 'activities' with the term 'services' to be consistent throughout with this level of care.

Regulation .04C(3)(a): In consideration of the comments received, the Program has replaced the term 'facility' with the term 'program' as the regulations are applied across the program's residential housing and are inclusive of those programs that use multiple individual houses for treatment versus a facility which may house more than 16 beds.

Regulation .04C(3)(b): In response to the comments received, the Program has revised the staffing requirements to include the use of a clinical director serving the program 20 hours a week and specified the license requirements for the clinical director to clarify the role and its responsibilities. Additionally, the Program has replaced the term 'facility' with the term 'program' throughout this paragraph. Furthermore, the Program has corrected the codification of this section to reflect these additions.

Regulation .04C(3)(c): In response to the comments received, the Program has added a licensed or certified counselor to the staffing requirements.

Regulation .04C(3)(e)(i-iii): In response to the comments received, the Program has updated the requirements of the staff member on duty to reflect that the individual shall be trained in the administration of Narcan and in crisis intervention. Furthermore, the Program has corrected the codification of this section to reflect these additions.

Regulation .06A(1): In response to comments received, the Program is replacing the term 'treatment' with the term 'services'.

Attached Document:

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**Title 10**

# MARYLAND DEPARTMENT OF HEALTH

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.06 Adult Residential Substance Use Disorder Services

Authority: Health-General Article, §2-104(b), 7.5-204(c), 7.5-205(d), and 15-105(b), Annotated Code of Maryland

#### .04 Conditions for Participation

- A. (text unchanged)
- B. To participate in the Program as a residential substance use disorder provider, the provider shall:
  - (1)—(11) (proposed text unchanged)
- C. A residential, low-intensity level 3.1 provider shall:
  - (1) Provide therapeutic ~~[[activities]]~~ services for a minimum of 5 hours per week;
  - (2) (proposed text unchanged)
  - (3) At a minimum, maintain the following staff:
    - (a) A part-time ~~[[facility]]~~ program director on-site 20 hours per week;
    - (b) A ~~[[supervisor]]~~ clinical director serving the program 20 hours per week who:
      - ~~[[i]]~~ Is on-site 40 hours per week;
      - ~~[[ii]]~~ (i) May also be the [[facility]] program director [[if 20 hours per week are spent as the facility director and 20 hours per week are spent as the supervisor]];
      - ~~[[iii]]~~ (ii) Is responsible for the supervision of the [[facility's]] program's clinical services, counselors, peer support staff, and coordination of all care provided by outside programs; and
      - ~~[[iv]]~~ (iii) Is identified under COMAR 10.09.59.04 as an individual practitioner provider or certified and approved by the Board of Professional Counselors and Therapists as a supervisor;
    - ~~(c)~~ A licensed or certified counselor on-site 40 hours per week;
    - ~~[[c]]~~ (d) Peer support staff; and
    - ~~[[d]]~~ (e) At least one staff member [[who is certified in cardiopulmonary resuscitation, and who has been trained in crisis intervention to be]] on duty between 11 p.m. and 7 a.m. who is:
      - (i) Certified in cardiopulmonary resuscitation;
      - (ii) Certified in Narcan administration; and
      - (iii) Trained in crisis intervention.

D.—G. (text unchanged)

#### .06 Covered Services.

- A. A residential, low intensity level 3.1 provider shall provide:
  - (1) Therapeutic substance use disorder ~~[[treatment]]~~ services for a minimum of 5 hours per week; and
  - (2) (proposed text unchanged)
- B.—E. (text unchanged)

ROBERT R. NEALL

Secretary of Health